

## Stormwater Sub-Group Meeting

Friday October 10, 2003

### Draft Meeting Summary

Attendance: Ann Gosline, Chris Olsen, Kate Geoffroy, Sharon Newman, Andy Tolman, Lucy Quimby, John Simon, Beth DellaValle, Ginger Davis, Kat Joyce.  
DEP Staff: Mary Breton, Hetty Richardson, Don Witherill

Don Witherill reviewed the issues to be discussed by this stakeholder subcommittee. The group will be looking at ideas from the larger stakeholder group and trying to help DEP decide on what approach to take.

Don distributed the following DEP draft of a conceptual plan for stormwater management of impaired stream watersheds.

### Conceptual Plan for Stormwater Management of Impaired Stream Watersheds

1. DEP designates "most at risk" and "sensitive or threatened" rivers and streams with quantity and quality standards. Impaired streams are expected to be a sub-set of the "most at risk" list and have a standard of "no discharge of pollutant of concern" (*in absence of a TMDL, would likely use stormwater runoff from impervious surfaces as the pollutant of concern*). Rule-making to occur in spring/summer/fall of '04 then to Legislature in '05 for approval.
2. A municipality or quasi-municipal organization, such as a watershed district or stormwater utility district, may propose a substitute management system or plan (already allowed in Stormwater Law). Plan may allow relaxation of "no discharge" requirement for new development in impaired watersheds if existing sources are managed.
3. If impaired watershed is also a designated growth zone, implementation of municipal management plan may be delayed until financial assistance available (*need to determine how much assistance*) for up to x years from date of DEP approval of system.

Additional option: DEP seeks legislative authority to designate "significant existing sources" (*would need to define*) that would be subject to regulation in impaired watersheds. By regulating existing sources, DEP could allow new development with same or similar standards as other "most at risk" waters.

## Questions/Comments on Conceptual Plan

Should #1 be changed to read "no increased discharge of pollutant of concern"? If it were changed to read that way it would allow for new development with mitigation. *DEP will revise #1.*

Would DEP review and approve all management plans? Yes

If discharges were allowed, a developer would need to more than make up for the new discharge in order to improve waters.

DEP should encourage development of watershed utility districts, but that is probably a long-range goal.

Who would help municipalities/utility districts with a management plan? How will this be implemented? *Details have not been worked out.*

We should make it easier to build in urban areas and harder in outlying areas (sprawl issue).

Would development be allowed with mitigation even if there were no management plan? *That is already allowed under the existing stormwater rules. There is no plan to change that.*

Measurable goals/objectives are missing. There needs to be a problem statement. How about adding #4 to the conceptual plan to include goals/objectives, reporting back every year or two, and data collection on development patterns as well as water quality. *DEP will consider additional comments on this.*

What about towns/cities that don't do a plan because they don't want to be bothered? Wouldn't that cause developers to go outside the urban areas?

There should be financial assistance for municipalities that the state wants to see as growth areas.

Think regional, not municipal.

Should stormwater management have to be included in a town's consistent comprehensive plan? Should service-centers get an exemption from the consistent comprehensive plan? *DEP will consider additional comments on this.*

Should "municipal" be removed from #2 and #3? *Watershed districts that involve more than one municipality should be encouraged where appropriate.*

Number 1 is much stricter than current regulations. It is too broad. Is load reduction (better post-development than pre-development) adequate?

How would identification of pollutant of concern be handled? Would this be part of the management plan? *Where a TMDL has not been completed, there may not be a specific pollutant of concern.*

There needs to be additional incentives for towns/cities to work together to form districts.

It seems that #1 is what has to be done and #2 and #3 are possible avenues to get to the improvements required in #1.

There must be more financial incentives. Funding is a big issue.

What happens between the time a plan is approved and the time it is implemented? What if the plan never materializes?

There should be measurable objectives. Bring in issues such as development areas; determine how a decision from one agency may impact decisions in other agencies.

DEP needs to be concerned about stormwater and water quality not growth management.

There should be both short-range and long-range goals set.

Will mitigation have to be in the affected watershed? It should be.

A mitigation bank/fund would need an infrastructure, what about administration of a fund at the local level? *A local utility district could administer such a fund.*

It would be better to require actual mitigation, not just money.

A mitigation bank/fund should be a last resort. All efforts to mitigate problems must be made first.

### **Next Meeting/Info.**

The group was asked to send any thoughts/comments to Don Witherill by Thursday, October 16<sup>th</sup>. The next meeting is scheduled for Wednesday, October 22<sup>nd</sup>.